

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

Norfolk DIVISION**Friday, October 28, 2011****MINUTES OF PROCEEDINGS IN** Open Court**PRESENT:** THE HONORABLE Henry Coke Morgan, Jr., Senior United States District JudgeCourtroom Deputy Clerk: Lori BaxterLaw Clerk: Christina Harrison

Court Reporter: Sue Ash, Contract Reporter

Set: 10:00 a.m.

Started: 10:10 a.m.

Ended: 3:45 p.m.

Case No. 4:11cv43

VS Technologies

v.

Twitter, Inc.

Appearances: Corby R. Vowell, Jonathan T. Suder, Todd I. Blumenfeld, Amy S. Owen and Benje A. Selan for the plaintiff; Elliott R. Peters, David J. Silbert; Tia Sherringham and Robert A. Angle for the defendant.

Day 5. Twelve (12) jurors appeared pursuant to adjournment on 10/26/11. Out of the presence of the jury, the Court made a finding on the record as to the Motion to Strike Testimony and for Corrective Instruction to the Jury by Twitter, Inc. Defense motion to substitute the book "Internet World: Hosting Web Communities" for a Xerox copy GRANTED. Defense motion to admit exhibits 1379B and 1379D GRANTED. Cross-examination of Dr. Grimshaw continued. Stipulation #17 from the Final Pretrial Order read into the record. Defense rested. Out of the presence of the jury, Plaintiff's Motion for a Directed Verdict argued. Court DENIED motion. Rebuttal witness Dr. Mark Joseph testified. Evidence concluded. Jurors excused to return on Monday, 10/31/11 at 10:00 a.m. Court received a hand written Motion for Judgment as a Matter of Law from defendant. Arguments heard. Court DENIED motion. Jury instructions and verdict form reviewed in open court. Changes made and copies distributed to parties. If there are any last minute objections to materials to be used during closing arguments, the Court directed that the parties deliver these objections to Chambers NLT 9:45 a.m. on 10/31/11. Parties excused to return 10/28/11, 10:00 a.m. Court adjourned.

Lunch Recess: 2:10 p.m. - 3:00 p.m.

Total Hours: _____